

12-19-01

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Box Sec.10/22/01
11054 U.S. PTO

Docket No. 2976-4044US1

Express Mail No. EL 912 004 429 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses

JC826 U.S. PTO
10/021698
10/22/01

1.	Tim Keith	324 North Road, Bedford, Massachusetts 01730
2.	Randall Little	73 Elm Road, Newtonville, Massachusetts 02493
3.	Paul Van Eerdewegh	25 Linden Circle, Weston, Massachusetts 02493
4.	Josée Dupuis	62 Davis Road, Belmont, Massachusetts 02178
5.	Richard Del Mastro	31 Lake Shore Drive, Norfolk, Massachusetts 02056
6.	Jason Simon	1019 Summit Avenue, Westfield, New Jersey 07090
7.	Kristina Allen	11 Oliver Lane, Hopkinton, Massachusetts 01748
8.	Sunil Pandit	353 West Side Drive, Apt. 202, Gaithersburg, Maryland 20878

For: NUCLEOTIDE AND AMINO ACID SEQUENCES RELATING TO RESPIRATORY DISEASES AND OBESITY

Enclosed Are:

241 page(s) of specification1 page(s) of Abstract18 page(s) of claims104 sheets of ☐ Formal ☒ Informal drawings8 page(s) of Declaration and Power of Attorney☒ Unsigned☐ Newly Executed☐ Copy from prior application☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)☒**REQUEST FOR NON-PUBLICATION OF APPLICATION ATTACHED**

- ☒ Incorporation by Reference:
- ☒ The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- ☐ Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))
- ☐ Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.
- ☐ Microfiche Computer Program (Appendix)
- ☒ Computer readable disks containing Sequence Listing (3 CD-ROMs)
- ☒ Statement to Accompany CD-ROM submission of Sequence Listing
- ☐ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge Assignment Fee to Deposit Account No. 13-4500, Order No. _____
- ☐ Assignment Papers filed in the parent application Serial No. _____
- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☐ Priority is claimed under 35 U.S.C. §119 for:
Application No(s). _____, filed _____, in _____ (country).
- ☐ Certified Copy of Priority Document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☐ English translation document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☒ Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. 60/211,749, filed June 14, 2000.
- ☐ Information Disclosure Statement
- ☐ Copy of [_____] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. _____, filed _____.
- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s) _____, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.

- ☐ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☒ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. 09/881,797, filed June 14, 2001, to which priority under 35 U.S.C. §120 is claimed.
- ☐ Cancel in this application original claims _____ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until _____.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☒ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence: This is a ☒ continuation ☐ divisional ☐ continuation-in-part of co-pending application Serial No. 09/881,797, filed June 14, 2001, and a ☐ continuation ☐ divisional ☒ continuation-in-part of application Serial No. 60/211,749, filed June 14, 2000.

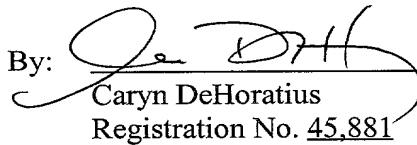
I. CALCULATION OF APPLICATION FEE

	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	111 - 20 =	91 x	\$18.00/ \$9.00	\$ 1638.00
Independent Claims	21 - 3 =	18 x	\$80.00/ \$40.00	\$ 1440.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$ 0.00
TOTAL:				\$ 3788.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$_____.
- ☒ A check in the amount of \$3788.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4044US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2001

By: 
Caryn DeHoratius
Registration No. 45,881

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

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Docket No. 2976-4044US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tim KEITH et al.

Group Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filed: October 22, 2001 (Herewith)

For: NUCLEOTIDE AND AMINO ACID SEQUENCES RELATING TO RESPIRATORY DISEASES AND OBESITY

Commissioner of Patents
Washington, DC 20231
BOX: PATENT APPLICATION

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: **EL 912 004 429 US**

Date of Deposit: **October 22, 2001**

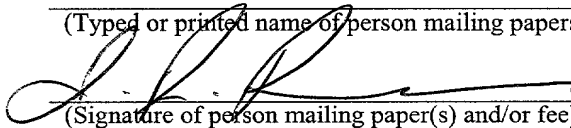
I hereby certify that the following attached paper(s) and/or fee

1. Utility Patent Application containing 364 total pages, including 241 pages of Specification, 18 pages of Claims, 1 page of Abstract; 104 sheets of Drawings (Figures 1A-1D; 2A-2P; 3A-3G; 4; 5A-5I; 6A-6U; 7A-7H; 8; 9A-9F; 10-26; 27A-27K; and 28A-28C);
2. Sequence Listing (3 CD-ROMs);
3. Statement Accompanying CD-ROM Submission of Sequence Listing, 2 pages;
4. Declaration and Power of Attorney, 8 pages;
5. Utility Patent Transmittal, 4 pages;
6. Filing Fee (check for \$3788.00);
7. **Request and Certification for Non-Publication of Utility Application**, 1 page;
8. Copy of Notification of Withdrawal of International Application, 1 page;
9. Return Postcard;

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **BOX: PATENT APPLICATION**, Commissioner for Patents, Washington, D.C. 20231.

Jesus R. Remedios

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tim Keith et al.

Group Art Unit: To Be Assigned

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**STATEMENT ACCOMPANYING CD-ROM SUBMISSION OF
SEQUENCE LISTING**

Transmitted herewith is the "Sequence Listing" in the form of 3 (three) copies of a CD-ROM, as allowed in the changes to 37 C.F.R. §§1.821-1.825 as published in the Federal Register on September 8, 2000. The three copies of the CD-ROM are intended to serve as:

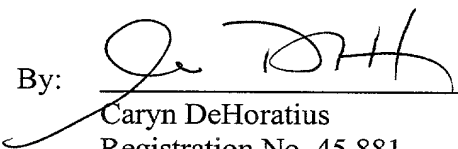
- (1) a compact disc copy of the Sequence Listing for the above-identified patent application as required by 37 C.F.R. §1.821(c) ("Copy 1"), the disc containing the ASCII file "Seqlist.txt", created on June 7, 2001, and of 11,976 kilobytes in size, in IBM-PC Windows®NT v4.0 format;
- (2) a duplicate copy of the compact disc as required by 37 C.F.R. §1.52(e)(4) "Copy 2", the disc containing the ASCII file "Seqlist.txt", created on June 7, 2001, and of 11,976 kilobytes in size, in IBM-PC Windows®NT v4.0 format, and;
- (3) a compact disc copy in computer-readable form as required by 37 C.F.R. §1.821(e), the disc containing the ASCII file "Seqlist.txt", created on June 7, 2001, and of 11,976 kilobytes in size, in IBM-PC Windows®NT v4.0 format.

As required by 37 C.F.R. §1.821(f), Applicant's representative hereby states that the contents of the "Sequence Listing" on all three CD-ROMs is the same and, as required by 37 C.F.R. §1.821(g), also states that the submission includes no new matter.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2001

By: _____


Caryn DeHoratius
Registration No. 45,881

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tim KEITH et al.

Group Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

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Commissioner of Patents
Washington, DC 20231
BOX: PATENT APPLICATION

REQUEST AND CERTIFICATION FOR NON-PUBLICATION OF UTILITY APPLICATION

I certify that the invention disclosed in the attached application **will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I further certify that, although the invention disclosed in the attached application **was** the subject matter of International Patent Application No. PCT/US01/19277, this PCT application was formally withdrawn on September 13, 2001.

Enclosed is a copy of the Notification of Withdrawal of International Application mailed by the International Bureau on September 17, 2001 for International Patent Application No. PCT/US01/19277, confirming withdrawal of International Patent Application No. PCT/US01/19277, effective September 13, 2001. The Notification indicates that withdrawal of International Patent Application No. PCT/US01/19277 was effective before the completion of technical preparations for publication, and therefore, the international application **will not be published**.

As International Patent Application No. PCT/US01/19277 has been withdrawn, and **will not be published**, and as the invention disclosed in the attached application **will not be** the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing, based upon the attached Notification of Withdrawal of International Application, I request that the attached application not be published.

This request is signed in compliance with 37 C.F.R. §1.33(b) and is being submitted with the application **at the time of filing**. **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED.**

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2001

By: Richard C. Komson
Richard C. Komson
Registration No. 27,913

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile